IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20406 of 2004

Between:

D.M.Raju, s/o Sri D.Manikyam,
r/o H.No.1-6-227/12/A, Ramnagar, Hyderabad.

..... PETITIONER

AND

1. APSRTC rep., by its Regional Manager, Ranga Reddy Region, Gowliguda

Bus Station, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C.,
Picket Depot, Picket, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the proceedings No.01/(27)/04-PKT dated 30-10-2004 placing the petitioner under suspension is illegal and arbitrary and consequently set aside the same.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1&2: MR.V.T.M.PRASAD, SC FOR A.P.S.R.T.C.

The Court, at the stage of admission, made the following :

ORAL ORDER

The present writ petition is filed to declare the suspension order, dated 30-10-2004 in proceedings No.01/27/04-PKT, passed by the 2nd respondent, as illegal and arbitrary.

While the petitioner was conducting the bus bearing No.AP10Z-7344 on 15-10-2004 at about 22.30 hours, a major accident took place resulting a passenger, who boarded the bus at Karatagi, fell down from the bus and sustained grievous injuries to the head. It is alleged in the suspension order that the petitioner, being conductor of the bus, has not taken any precaution to close the door properly and he also pushed the passenger out of the bus. Therefore, the petitioner was placed under suspension.

The learned counsel appearing for the petitioner contended that the allegations in the charge sheet do not warrant for suspension of the petitioner and that his son has been suffering from cancer and as a matter of fact the Corporation itself has granted some amount towards medical expenses to his son and he was not in a position to withdraw the said amount, because of suspension order, and hence he prays to quash the impugned order.

None appears for the respondents. Perused the petition. For proper discipline in the organization, the disciplinary authority has to take necessary steps for controlling the staff. Since the petitioner seems to have pushed the passenger from the bus, as a result of which he fell down from the bus and sustained grievous injuries to the head. Basing on the totality of the circumstances, the disciplinary authority came to the

conclusion that the conduct and behaviour of the petitioner reflected very bad image on the corporation and also the misbehaviour of the petitioner has caused public inconvenience and, therefore, with immediate effect the petitioner was placed under suspension. Normally this Court will not interfere with the order of suspension, unless the authority, who passed the suspension order, has no jurisdiction at all. In this case the authority, who issued the impugned suspension order dated 30-10-2004, is not under challenge. Therefore, it is for the disciplinary authority as to under what circumstances, an employee can be placed under suspension and that fact finding cannot be looked into at this stage. Therefore, the order of suspension cannot be set aside. But, the fact remains that the petitioner's son has been suffering from cancer and copy of office order is made available for release of Rs.65,000/- infavour of "Indo-American Cancer Institute & research Centre, Hyderabad.". So, pending disciplinary enquiry, the respondents may consider the case of the petitioner in releasing the said amount infavour of "Indo-American Cancer Institute & Research Centre, Hyderabad". However, the respondents are directed to conduct an inquiry within a period of two (2) months from today and pass appropriate orders.

With the above said observation, the writ petition is disposed of. No order as to costs.

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K.C.BHANU,J

23RD NOVEMBER 2004

*TSNR

TO

1. The Regional Manager, A.P.S.R.T.C. Ranga Reddy Region, Gowliguda Bus Station, Hyderabad.

2. The Depot Manager, A.P.S.R.T.C., Picket Depot, Picket, Secunderabad.

3. Two C.D.Copies.